

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD HAWLEY,

Plaintiff,

v.

CATHY et al.,

Defendants.

Case No. 20-12572

Honorable Shalina D. Kumar

Magistrate Judge Patricia T. Morris

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 41),
GRANTING DEFENDANTS' MOTIONS TO DISMISS (ECF NOS. 33, 36),
AND DISMISSING THE CASE**

On August 31, 2020, Plaintiff Ronald Hawley, a Michigan Department of Corrections ("MDOC") prisoner then housed at the G. Robert Cotton Correctional Facility in Jackson, Michigan, filed suit *pro se* under 42 U.S.C. § 1983 alleging violations of his Eighth Amendment rights. ECF No. 1. This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 13.

On May 27, 2022, defendants Joshua Buskirk and Hilda Mbidzo filed a motion to dismiss under Fed. R. Civ. P. 41(b) for failure to prosecute, noting that March 21, 2022 discovery requests served on Hawley at his last known address were returned as undeliverable and that he failed appear

for a May 12, 2022 deposition. ECF No. 33, PageID.105. A copy of the magistrate judge's order requiring Hawley to respond to the motion to dismiss was returned as undeliverable. ECF Nos. 34, 35. Hawley filed no response to the motion.

On June 22, 2022, the remaining defendants, Leffingwell, Jones, and Gross, also filed a motion to dismiss under Rule 41(b) based on Hawley's failure to appear for the May 12, 2022 deposition. ECF No. 36. A copy of the magistrate judge's order requiring a response to the motion was returned as undeliverable. ECF Nos. 37, 38. Hawley filed no response to the motion.

The magistrate judge's August 22, 2022 order to show cause why this case should not be dismissed for failure to prosecute was also returned undelivered. (ECF Nos. 39, 40).

On September 14, 2022, the magistrate judge issued a Report and Recommendation ("R&R"). ECF No. 41. The R&R recommends that the Court grant both motions to dismiss. *Id.*

No party has filed an objection to the R&R. The failure to object to conclusions in the magistrate judge's report releases the Court from its duty

to independently review those issues. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court has reviewed the record and **ADOPTS** the R&R as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that the motion to dismiss by defendants Buskirk and Mbidzo (ECF No. 33) is **GRANTED**.

IT IS FURTHER ORDERED that that the motion to dismiss by defendants Leffingwell, Jones, and Gross (ECF No. 36) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice.

Dated: October 11, 2022

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge